
MONDAY, JANUARY 1, 2007

COUNTY OFFICES CLOSED – NEW YEAR’S DAY

TUESDAY, JANUARY 2, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

Chairman Brenneman opened the public comment on matters within the Commissions' Jurisdiction.

Diane Sande stated that she lives on Spring Hill Road and spoke about the stop sign that was placed at the bottom of Spring Hill Road. She then spoke about the ticket that she received and stated that a yield sign would be more appropriate for the area.

Commissioner Hall stated that there may be a logical explanation as to why the stop sign has to be placed there and he would talk to Charlie Johnson in regards to it.

No one else rising to speak, Chairman Brenneman closed the public comment period.

REORGANIZATION OF BOARD OF COMMISSIONERS

[9:03:22 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to appoint Commissioner Brenneman to act as chairman for the ensuing year. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall stated that for the record Mr. Lauman is still recovering from ammonia.

Commissioner Brenneman spoke in regards to the January 9, 2007, work session and indicated that it would be appropriate to re-schedule the workshop until Mr. Lauman was able to attend.

APPOINT COMMISSIONERS TO VARIOUS BOARDS

[9:05:12 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Discussion was held relative to board appointments and the decision was made to delay them until Commissioner Lauman could be present.

QUARTERLY MEETING W/ MARCIA SHEFFELS, SUPT OF SCHOOLS

[9:29:40 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Marcia Sheffels

Discussion was held relative to the one school closure so far this year with that being the Monday after Thanksgiving on November 27, 2006. It was stated that decisions have been made to not do late starts or early releases with inclement weather. The statistical report of schools for the year 2006 was presented to the Commission. She then spoke about the schools being mandated to do more with less funding and about the unrealistic demands in getting kids to school that live in remote areas as well as those that live less than 3 miles from the school.

TUESDAY, JANUARY 2, 2007
(Continued)

AUTHORIZATION TO PUBLISH CALL FOR BIDS: GAS & DIESEL, TIRES, LIQUID ASPHALT, ASPHALT, PROPANE & CRUSHING & STOCKPILING GRAVEL / ROAD DEPT.

[9:53:38 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Members absent:
Commissioner Dale Lauman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to authorize the publication of the call for bids for the Road Department and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #460 (OFF OF TIMBERLANE TERRACE)

[10:49:59 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Members absent:
Commissioner Dale Lauman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing for road abandonment #460 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS #07-07-5-11-008-0/ HEALTH DEPT

[9:55:56 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Members absent:
Commissioner Dale Lauman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the DPHHS Health Department document as requested and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

BUDGET RESOLUTION

[9:57:15 AM](#)

Members present:
Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Members absent:
Commissioner Dale Lauman
Others present:
Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve budget resolution #1993. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION
NO. 1993**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2006-2007, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2006-2007; and

**TUESDAY, JANUARY 2, 2007
(Continued)**

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 2nd day of January 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

By: /s/
Dale Lauman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Deputy

**COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY2007**

DATE ISSUED:		Resolution # 1993		VOUCHER NO.:	
DATE OF RECORD:				Entered by:	Gary
MCA 7-6-4006		ACCOUNTING COPY	"B" Entry		
Account Number	Object	Description	Line	Debit	Credit
2989-0214-331048		HAVA Polling Place Access	1	\$ 5,000.00	
2989-172000		Revenue Control	2		\$ 5,000.00
2989-242000		Expense Control	3	\$ 5,000.00	
2989-0214-410619	357	Prof Services	4		\$ 5,000.00
			5		
Explanation			Total	\$ 10,000.00	\$ 10,000.00
To establish budget for additional funds received on A101-ACH 0612000321 dated 12/14/06					
				Approved by: _____	
				Date: _____	

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

10:01:04 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Raeann Campbell

Discussion was held relative to the personnel transactions for the month of December. The OSHA recordable injuries were reported as being equal in 2005 vs. 2006 with the Road Department reducing their injuries and Solid Waste injuries being higher. Discussion was then held in regards to an accident claim that was received and the supervisors training sessions that are to be attended by all elected officials or a representative. The employee turnover was reported at 18 percent for the year and the trust fund balance was up.

Commissioner Hall made a **motion** to approve the transactions for the month of December. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

**TUESDAY, JANUARY 2, 2007
(Continued)**

PUBLIC HEARING: CREATION OF EMERALD HEIGHTS WATER DISTRICT

10:15:13 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith

Chairman Brenneman opened the Public Hearing to anyone wishing to speak in favor or opposition.

No one rising to speak Chairman Brenneman closed the Public Hearing.

Commissioner Hall made a **motion** to adopt Resolution #1992 to call for an election. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 1992

WHEREAS, the Board of Commissioners received a petition, pursuant to Section 7-13-2204, M.C.A., signed by at least 10 % of the registered voters within the proposed district, requesting the creation of a water and/or sewer district to be known as the Emerald Heights HOA County Water and/or Sewer District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice of a public hearing on the petition;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted a public hearing, on January 2, 2007, regarding the proposed creation of the Emerald Heights HOA County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered the petition and those appearing thereon, and considered any written protests filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A.

BE IT FURTHER RESOLVED that the boundaries of said proposed Emerald Heights HOA County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED, that the Flathead County election administrator is hereby requested to conduct a mail ballot election to determine whether the Emerald Heights HOA County Water and/or Sewer District shall be incorporated, under the provisions of Chapter 19, Title 13, M.C.A., and to notify the Board of Commissioners within five days of the date hereof, as to whether a mail ballot election will be held, as required by Section 13-19-202, M.C.A.

BE IT FURTHER RESOLVED, that the election of five directors for the proposed district, who shall be shall be owners or lessees of real property within said district or residents therein, shall be held at a later time and that candidates for the office of director shall be nominated in the manner required by Sections 7-13-2241 and 7-13-2246, M.C.A.

Dated this 2nd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Deputy

By: _____
Dale W. Lauman, Member

EXHIBIT A

Emerald Heights HOA County Water and/or Sewer District Boundaries

The Legal Description of the area to be included in the Emerald Heights HOA County Water and/or Sewer District is as follows:

The property located in Emerald Heights and Emerald Heights Unit 2, in the Southeast ¼, Section 12, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, according to the maps or plats thereof on file at the Office of the Clerk and Recorder, Flathead County, Montana.

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(Continued)

CONSIDERATION OF PRINTING BIDS: SUPT OF SCHOOLS AND SHERIFF'S OFFICE

[10:41:00 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the print bid from Insty Prints for 1,000 return address mailing labels for \$68.95 and 1,000 envelopes for \$70.15 for the Superintendent of Schools. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the print bid from North Star Printing for \$155.00 for 2,000 voluntary statements and 5,000 voluntary gummed tablet forms for \$654.00. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the print bid from A-1 Action Printing for 5,000 letterhead papers for \$230.00 and 5,000 letterhead envelopes for \$410.00 for the Sheriff's Department. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

CONTINGENT AWARD BID: RSID #139, #140 & #141

[10:30:52 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jonathan Smith, Terry Richmond

Terry Richmond spoke in regards to the awarding of the bids for RSID work that will be done next spring. The bid opening was on November 14, 2006, and it was stated that the 60 days to accept the bids will be up on January 12, 2007. He then stated that he felt it would be good to send a letter to the effect that it is their intention to award the bid, subject to and contingent upon the sale of bonds, which will not happen for another 6-8 weeks. He stated that the Sandy Hill and Shady Lane bids were higher with engineering and bond counsel fees exceeding what the RSID's were created for and the recommendation is to reduce the pavement thickness on Shady Lane from 3 inches to 2 inches and on Sandy Hill Lane from 3 inches to 2 ½ inches.

Commissioner Hall made a **motion** to approve the letter they have reviewed from Morrison-Maierle Engineering to send to Schellinger Construction in regards to the contingent award of bids for RSID #139, #140 & #141. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: JAIBG GRANT/ YOUTH COURT SERVICES

[10:48:45 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the JAIBG Grant and to authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: ANKENY

[10:51:24 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, George Smith

Smith reviewed the lakeshore permit submitted by Mike Ankeny to remove several species of deciduous trees within the lakeshore protection area. Each tree will be replaced with a native species conifer, at least eight feet in height and all debris will be removed from the lakeshore protection zone. Staff recommends approval.

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(Continued)**

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP 06-118. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

MEETING W/ JED FISHER, MAINTENANCE RE: COURTHOUSE

[11:00:53 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jed Fisher, Paula Robinson, Monica Eisenzimer, Laurel Raymond, Tom Reynolds, Liz Patefield,
Pete Wessel, Raeann Campbell, Karen Yerian, Lucie Foster, Cheryl Hohman

Discussion was held relative to the courthouse and the structural stability of it. Jed Fisher reported that the maintenance crew received complaints about a noise that was heard above the third floor and after checking it out one of the men noticed a vertical crack in one of the supports of the west wall of the courthouse and reported that it was a fresh crack. He then stated that in 2003 a seismic study was done on the courthouse, which consisted of a walk around the building.

Paula Robinson presented a report of the seismic study to the commission and stated that the in depth structural study was scaled down because of resources.

Jed Fisher stated that he has spoken to Jackola Engineering in regards to having an in depth study done and was told it would be tens of thousands of dollars. He then stated that Robin Boom felt comfortable with the study that Western States had done saying that the building is in pretty good shape. Jackola Engineering's comments contradict that with their study, which recommended a complete evaluation. His request is to come up with a scope of work to call for bids for a Structural Engineer to look at the building.

Commissioner Hall then asked if there was a way for an RFP to do a percentage of a complete evaluation, starting with the roof and foundation first.

Commissioner Brenneman questioned what a structural analysis without a solution would cost.

Commissioner Hall questioned Jed Fisher in regards to the beam and where it cracked.

Jed Fisher then stated that it was a vertical beam with a vertical crack on the west wall above the 3rd floor. He said that his biggest concern with the building is the west side.

Commissioner Hall stated that he would like to look at the beam that cracked.

Jed Fisher spoke about pinpointing the need and not looking into electrical or other issues.

Commissioner Hall spoke about the building being old and the ground moving.

Paula Robinson stated that the issue with the ground moving was pointed out in the 2003 evaluation.

Commissioner Brenneman spoke in regards to the soil characteristics lending themselves to amplified ground motions.

Mike Pence reminded the Commission that the cost that was referred to was from 2003.

Jed Fisher stated that the quote that he got was less than \$100,000 but not less than \$30,000.

Mike Pence then questioned if that study would qualify the condition of the building.

Liz Patefield stated that an employee from maintenance told her that the beam had cracked but not to worry because there were other beams holding that beam up.

Paula Robinson spoke in regards to writing the RFP and questioned if Architects Design Group would be able to help write it, since they are working with the county on the new building.

Jed Fisher stated that he had already contacted them.

Commissioner Brenneman stated that certainly this kind of structural analysis has been done before and that we should not have to spend a lot of time doing an RFP.

Jed Fisher stated that he would be happy with whatever Mike Pence and Jonathan Smith come up with.

Mike Pence stated that all they would be asking for is to have the safety of the building qualified.

Commissioner Hall then stated that the Commission has to decide what they would be asking the Engineer to do.

Mike Pence stated that to get a good quality product that they would need to hire a constructional engineer to write the RFP.

Commissioner Hall then questioned the possibility of applying for a grant.

Jed Fisher stated that there is a lot of money for historical buildings and that this would be a step forward in coming up with what they need to do to get to the point of a museum or wherever they are headed with the building.

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(Continued)**

Mike Pence stated that even if the county vacated the building they would need to know what they could do with the building.

Commissioner Brenneman asked if there was any indication from anyone that the building is unsafe for employees to work in at this time.

Jed Fisher stated at this time a vertical crack in a vertical beam to him does not constitute them kicking everyone out of the building, but that it is important to move forward in a timely fashion with the study.

Commissioner Brenneman then stated that as of this date the information that they have indicate that the building is substantial and is not likely to be a risk for anyone working there at this point.

Jed Fisher stated that the insurance report that was forwarded indicates that it is the best building in Kalispell, yet there are issues that certainly need to be looked at.

Commissioner Brenneman stated that they don't want to ignore any indications that would place employees at risk. The plan is to proceed with the best information that they have, however they will pursue a complete analysis of the structural integrity. It was stated that Jed, Mike, Paula, Jonathan and Raeann will follow through on the structural analysis.

Commissioner Hall questioned Paula Robinson in regards to whether she had a working relationship with American Architect Design and it was stated that she will call them to see if there are any immediate concerns that need addressed.

Jed Fisher stated that as a reminder to everyone that they have been as diligent as possible in dealing with the roof situation and that a new roof will be forthcoming in the spring.

Paula Robinson stated that it would be an ideal time if they are working on the roof to also address the reinforcement for the structural support.

Liz Patefield questioned the noise that was heard.

Jed Fisher stated that his employees have not reported what the noise was that was heard after the crack and then stated that his employees are not professionals.

Paula Robinson then suggested that they take photos of the crack.

Tom Reynolds commented that he has an engineering background and after looking at the report he spoke about the lateral capacity of the building not being adequate based on what we do today, and that it could have something to do with the crack that they see with the settling of the building introducing stress. He then stated that if you have a cracked vertical beam it is not nearly as strong as a solid vertical beam and that it should be repaired.

Paula Robinson spoke about the first floor sagging and the substantial drop that nothing has been done with since the report was written 2 years ago.

Pete Wessel spoke about the lintel that was placed on the west side of the building where it is reinforced with the steel post and stated that it seems to be happening on the front doors of the building with cracks evident above the doors.

Jed Fisher stated that they have adjusted the west side support by raising the building up by ½ inch.

1:15 p.m. 911 meeting @ Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 3, 2007.

WEDNESDAY, JANUARY 3, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

Chairman Brenneman opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Brenneman closed the public comment period.

MEETING W/ GEORGE SMITH/ PLANNING & ZONING OFFICE RE: LAKESHORE LEGISLATION

10:00:18 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, George Smith, Traci Sears-Tull

Discussion was held relative to lakeshore legislation that Whitefish is requesting Senator Beck to carry to the state.

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(Continued)**

Commissioner Hall stated that before a letter of support comes from the county he would like to be able to read the language first.

Jeff Harris stated that Planning Staff wanted to have a discussion with the Commission to see how they would like them to interact with the legislature.

PRELIMINARY PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE 2BB

10:21:07 AM

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Jeff Harris, Traci Sears-Tull, Bryan Long, Dan Manning

Sears-Tull reviewed the application submitted by Rocky Mountain Recreational Communities with technical assistance from Long Engineering for preliminary plat approval of Harbor Village at Eagle Bend, Phase 2BB, a 4 lot single family residential subdivision on 3.11 acres with a remainder. The property is located off of Holt Drive in Bigfork.

Commissioner Hall made a **motion** to adopt staff report FPP 05-70 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Discussion was held relative to the bear proof containers and bird feeders. The language for both will be changed.

Commissioner Hall made a **motion** to approve preliminary plat for Harbor Village at Eagle Bend, Phase 2BB as amended. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

CONDITIONS

1. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and a 55-foot radius cul-de-sac and shall be designed and certified by a licensed, professional engineer. [Section 3.9, FCSR]
2. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. Street addressing shall be assigned by the Address Coordinator. [Section 3.9(I)(7), FCSR]
3. A road identification sign and stop sign shall be installed at the intersection of Lake Pointe Drive and Lake Point Court. [Section 3.9 (I)(8), FCSR]
4. The lot owners within the subdivision shall join a Road Users Agreement or Property Owners Association for the internal subdivision road system, which will require each property owner to bear their pro-rata share for road maintenance of the private drive. [3.9(J)(3), FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations]
6. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [Section 3.22, FCSR]
7. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. [3.17 and 3.18, FCSR]
8. The Bigfork Water and Sewer District will serve this subdivision. The applicant will obtain a “will-serve” letter for submission with the final plat application indicating the District has the capacity to serve this development. All systems will require approval by the Flathead City-County Health Department and the Montana Department of Environmental Quality.
9. The subdivider shall dedicate the .61 acres of common area in perpetuity. [Section 3.3, 3.4, 3.5, FCSR]
10. The applicant will furnish proof that fire suppression and access meet the requirements of the Bigfork Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
11. All buildings shall be set back 50 feet from the 100-year floodplain boundary. The setback boundary shall be staked in the field prior to the application for final plat. [Applicant Comment]
12. No basements shall be allowed. The lowest floor and gas forced air system with ducts below the floor shall be elevated at least two feet above the BFE of 2892.9’ msl. [Applicant/Agency Comment]
13. The following conditions shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities shall be placed underground.
 - c. Lot owners should be aware that they are living in a rural area of Flathead County and can expect extended response times for emergency services.
 - d. The Property Owners Association shall be responsible for maintenance of the road. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
 - e. Lot owners are responsible for the eradication and control of noxious weeds upon their property.
 - f. The lowest floor elevation of all residential structures shall be elevated two feet above the Base Flood Elevation (2892.9’ msl) by either fill or by a pier foundation. If fill is used to elevate the building pad or as back fill it shall be graded out to a 5 to 1 slope.

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(Continued)**

- g. There shall be no basements or crawl spaces below the Base Flood Elevation of 2892.9' msl.
 - h. All buildings shall be set back 50 feet from the 100-year floodplain boundary. The setback boundary shall be staked in the field prior to final plat.
 - i. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
 - I. Dogs must be kept under owner control at all times, either leashed or confined.
 - II. Outdoor containers for refuse and feed for pets or livestock are not allowed.
 - III. Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
 - IV. Pets must be fed indoors or food dishes must be brought in at night.
 - V. Outdoor bird feeders are not allowed.
14. The following statement shall be placed on the face of the final plat:
- _____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision [County Resolution 503-M]
15. All required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the subdivider, prior to final approval by the Flathead County Commissioners. [Chapter 8, FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7 (E), FCSR]
17. Preliminary plat approval is valid for three years. [Section 2.5 (D)(6), FCSR]
18. The applicant shall meet all the conditions listed in CLOMA Case No.: 06-08-B582C. [Floodplain Administrator]
19. Pet proof fencing is required along the border of the waterfowl production area. [BLUAC]
- TST

PUBLIC HEARING: TREASURE ISLAND WAY, MOUNTAIN ASH LANE, RED BARN ROAD, PATTERSON RANCH LANE AND SHEEPHERDER HILL ROAD NAMING

[10:38:49 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Pete Wessel, Tom Reynolds, Jon Olson, Don Treweek, Darlene Treweek, Jana Pursell

Pete Wessel spoke in regards to the road namings of Treasure Island Way and the concerns that a resident has. He also discussed the procedures they follow when voting for road names.

Chairman Brenneman opened the Public Hearing on matters within the Commissions' Jurisdiction to anyone wishing to speak in favor or opposition of the road namings.

Jon Olson spoke in regards to the proposed address that he would be given and stated his concerns.

Jana Pursell spoke in support of the proposed name.

No one else rising to speak, Chairman Brenneman closed the Public Hearing.

Commissioner Hall made a **motion** to adopt resolutions #1994, #1995, #1996, #1997 and #1998. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

RESOLUTION NO. 1994

WHEREAS, Flathead County has proposed to name a private road generally **running southerly off Mt. Highway 40 and located in the NE ¼ of the NE ¼ of Section 16, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 3, 2007, concerning the proposal, after publication and mailing of notice thereof on December 19, 2006 and December 26, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **MOUNTAIN ASH LANE.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running **southerly off Mt. Highway 40 and located in the NE ¼ of the NE ¼ of Section 16, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana,** should be, and it hereby is, named **MOUNTAIN ASH LANE.**

**WEDNESDAY, JANUARY 3, 2007
(Continued)**

BE IT FURTHER RESOLVED that the naming of **MOUNTAIN ASH LANE** shall be effective on January 3, 2007.

Dated this 3rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall
Gary D. Hall, Member

By _____
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 1995

WHEREAS, Flathead County has proposed to name a private road generally **running westerly off North Hilltop Road and located in the N ½ of the SE ¼ of Section 12, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 3, 2007, concerning the proposal, after publication and mailing of notice thereof on December 19, 2006 and December 26, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **PATTERSON RANCH LANE.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running **westerly off North Hilltop Road and located in the N ½ of the SE ¼ of Section 12, Township 30 North, Range 21 West, West, P.M.M., Flathead County, Montana,** should be, and it hereby is, named **PATTERSON RANCH LANE.**

BE IT FURTHER RESOLVED that the naming of **PATTERSON RANCH LANE** shall be effective on January 3, 2007.

Dated this 3rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall
Gary D. Hall, Member

By _____
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Deputy

RESOLUTION NO. 1996

WHEREAS, Flathead County has proposed to name a private road generally **running westerly off Columbia Falls Stage and located in the SW ¼ of the SE ¼ of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 3, 2007, concerning the proposal, after publication and mailing of notice thereof on December 19, 2006 and December 26, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **RED BARN ROAD.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running **westerly off Columbia Falls Stage and located in the SW ¼ of the SE ¼ of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana,** should be, and it hereby is, named **RED BARN ROAD.**

BE IT FURTHER RESOLVED that the naming of **RED BARN ROAD** shall be effective on January 3, 2007.

Dated this 3rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By /s/Gary D. Hall
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By _____
Dale W. Lauman, Member

By /s/Diana Kile
Deputy

RESOLUTION NO. 1997

WHEREAS, Flathead County has proposed to name a private road generally **running southerly off Mt. Highway 404 and located in the SE ¼ of the SE ¼ of Section 23, Township 28 North, Range 22 West, and in the NE ¼ of the NE ¼ of Section 26, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 3, 2007, concerning the proposal, after publication and mailing of notice thereof on December 19, 2006 and December 26, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **TREASURE ISLAND WAY.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running **southerly off Mt. Highway 404 and located in the SE ¼ of the SE ¼ of Section 23, Township 28 North, Range 22 West, and in the NE ¼ of the NE ¼ of Section 26, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana,** should be, and it hereby is, named **TREASURE ISLAND WAY.**

BE IT FURTHER RESOLVED that the naming of **TREASURE ISLAND WAY** shall be effective on January 3, 2007.

Dated this 3rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

By /s/Gary D. Hall
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By _____
Dale W. Lauman, Member

By /s/Diana Kile
Deputy

RESOLUTION NO. 1998

WHEREAS, Flathead County has proposed to name a private road generally running westerly off West Valley Drive and located in the S1/2 of the NE1/4 of Section 9, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 3, 2007, concerning the proposal, after publication and mailing of notice thereof on December 19, 2006 and December 26, 2006; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **SHEEPHERDER HILL ROAD.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off West Valley Drive and located in the S1/2 of the NE1/4 of Section 9, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **SHEEPHERDER HILL ROAD.**

BE IT FURTHER RESOLVED that the naming of **SHEEPHERDER HILL ROAD** shall be effective on January 3, 2007.

Dated this 3rd day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Joseph D. Brenneman
Joseph D Brenneman, Chairman

By /s/Gary D. Hall
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By _____
Dale W. Lauman, Member

By /s/Diana Kile
Deputy

**WEDNESDAY, JANUARY 3, 2007
(Continued)**

CONSIDERATION OF PERSONNEL ISSUE

[11:05:38 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Ed Corrigan, Raeann Campbell, Tammi Fisher, Jonathan Smith, Tammy Skramovsky, Vicki Eggum

Discussion was held relative to a personnel issue.

Commissioner Hall made a **motion** to take under advisement the personnel issue. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

BOARD APPOINTMENTS: MISCELLANEOUS

[10:55:10 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Mary Seviars, Jeff Harris, Frank Sweeney

Commissioner Hall made a **motion** to re-appoint to the AOA Advisory Council Doug Gilbertson and K. C. Zwisler. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint to Blankenship Rural Fire District Peggy Burlingame. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to re-appoint to the Columbia Falls City County Planning Board Trent Miller and to appoint Carl Anderson to the board. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to re-appoint to the Flathead County Weed and Park Board Pete Woll. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to re-appoint to Whitefish City County Planning Board Ole Nettenberg and to appoint Peggy Sue Amelon to the board. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to relieve Andy Fretwell of his duties, but if he chooses to protest then it will be reconsidered and to appoint to the Marion Rural Fire District Cindy Goodrich and Kathleen Redmond. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: HOSPITAL PROVIDER AGREEMENT/ PATHWAYS

[11:24:48 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the agreement with Pathways and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

WEDNESDAY, JANUARY 3, 2007
(Continued)

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-4-51-010-0

[11:26:51 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the DPHHS contract and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CONSULTANT SERVICES AGREEMENT/ EVERGREEN BIKE PATH

[11:28:02 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile

Commissioner Hall made a **motion** to approve the document for consultant services for the Evergreen bike path and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Hall. Motion carried by quorum.

MEETING W/ KERRY PRIBNOW/ DEPT OF CORRECTIONS RE: PRERELEASE CENTER

[11:34:33 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall

Members absent:

Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kerry Pribnow, John Weaver, Cherry Sabol

Kerry Pribnow the contract manger for the Department of Corrections discussed the need for a pre-release center in Flathead County, in which he is proposing to put a 40 bed center in the Kalispell area. He stated that Flathead and Cascade counties are one of the largest contributors to the correctional facilities. The pre-release centers are funded 100% by the state and run by a vendor for the state.

John Weaver spoke about his interest in working with the foundation for correctional innovation and through them they would like to develop a local non profit community justice service that would take advantage of the states interest and need and also to provide the county some things that they are desperately in need of. He stated that right now there is a tremendous amount of sanctions and fines that go un-enforced, with no mechanism to enforce them. He then stated that if they could partner with a nonprofit organization to offer those services to be able to capture some of the fines to support some of the programs so they are not coming to the county for additional funds.

Kerry Pribnow then stated that is exactly what is happening around the state right now.

Commissioner Hall stated that he would be available as a contact and would like to do a joint town hall community meeting to introduce the idea of a pre-release center.

Kerry Pribnow stated that his next step would be to testify to a legislative finance committee and when the money is in hand then he would hold a public meeting. He also spoke about the Governor being in support of the center.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 4, 2007.

THURSDAY, JANUARY 4, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

8:30 a.m. AOA TAB Meeting @ Eagle Transit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 5, 2007.

FRIDAY, JANUARY 5, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

LEGISLATIVE SESSION DISCUSSION

[11:00:54 AM](#)

Members present:

Chairman Joseph D. Brenneman
Commissioner Gary D Hall
Commissioner Dale Lauman

Others present:

Assistant Michael Pence
Clerk Diana Kile, Kim Crowley, Carol Sommerfield, Jay Scott, Richard Stockdale, Marcia Sheffels, Vicki Saxby, Laurel Raymond, Tom Reynolds, Raeann Campbell, Jeff Harris, Dave Prunty, Bonnie Olson, Peg Allison, Adele Krantz, Brenda Hall, Mike Peck

Commissioner Brenneman explained the purpose of the legislative meetings and the commission's goals in regards to them. He then stated that they would like to not have different departments in the county traveling to Helena to testify against each others.

Lisa Durand spoke about HB27 that would enhance 911 services and she stated her concern with wireless carriers getting a percentage of the funding also. She then stated that it is in the best interest of the county to support HB 27 and she proposes to go to Helena and testify in support of the bill.

Commissioner Hall made a **motion** to write a letter of support for HB27, understanding that this letter of support will include a recommendation of sunset support. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Kim Crowley spoke in regards to the Montana Library Association testifying against SB1 on information disclosure requirements. Also discussed was LC 0194 which is titled to encourage construction of new local libraries.

Mike Peck spoke about SB 142 titled a Public Health and Emergency Act in regards to his concerns with the county being left out of decisions that are made. The bill would give the state the authority to make decisions in regards to public health care and would leave the county out of the loop.

Raeann Campbell spoke about LC 1573 that would prevent employers from prohibiting firearms in the workplace if the employees feel it would make them safer.

Commissioner Hall spoke about the possible mail ballot elections and Mike Pence stated that Paula Robinson was opposed to them because of the added cost to the county.

Laurel Raymond spoke about HB 49, which is the study of local government special districts and the regulations as to how they are governed. She stated that their involvement right now is manageable with them giving them their budget. If they have to manage them to a greater degree it will affect their budget.

Kim Crowley questioned if she was allowed to lobby on certain bills.

Commissioner Hall stated that if it directly effected her department then certainly.

Commissioner Brenneman then clarified that what Kim was asking is that as the county librarian; can she lobby on behalf of the library.

Mark Peck stated that as a state employee as long as you are representing the wishes of a director, then you can testify as an agency, but if you go down stating your own opinion then you have to be on your own time.

Laurel Raymond stated that she would prepare a statement in regards to HB 49 and her determination and would run it by the Commission to see if they would like to pass it on.

Brenda Hall stated that they endorse HB 37.

Richard Stockdale spoke about the last legislation in which they passed a grant license in regards to euthanasia that had a sunset clause in the bill and they will introduce it again to address the clause.

Dave Prunty questioned the handout as to if MACo did support all the bills that were on the list that was distributed.

Commissioner Brenneman stated that MACo did support them and is asking for sponsors for them.

Mark Peck spoke about SB 103 that deals specifically with local government fire protections laws. He stated that SB 130 deals with revised laws governing governmental fire agencies and fire service areas. SB 147 authorizes restriction on fire hazard area activities.

**FRIDAY, JANUARY 5, 2007
(Continued)**

Jeff Harris spoke about LC 2171 that would increase fines for lakeshore violations. He then spoke about another bill that would change the statute for governing the growth policy and amend it to add an evaluation to river, lakes and streams. He also spoke about an interim zoning bill sponsored by Mike Jopek. Another bill that they are watching is in regards to stream setback requirements.

Bonnie Olson stated that she would look at the public defender reimbursement bill and she also spoke on HB12 that revises county attorney's salaries and prosecution services.

Mike Pence asked the Commission to clarify to the department heads as to who will need to attend the weekly meetings.

Raeann Campbell stated that she liked the idea of the legislative meetings being held.

Jeff Harris expressed his concerns in regards to missing something and questioned if there was some kind of mechanism to alert them if the bills pertained to them.

Commissioner Hall stated that it would be easy for them to miss a bill also.

Mike Pence stated that he didn't want people to waste their time in attending.

Kim Crowley stated that in an effort for them all to work together she would like to see what is going on in each department.

Commissioners Lauman encouraged everyone to attend and spoke about working as a team.

Bonnie Olson spoke about several bills that are of interest to Montana Sherriff Association in the legislative session that involve the use of restraints during transport and issues that involve law enforcement using unmarked cars.

Commissioner Brenneman then stated that we have Lisa Durand down there Monday, Kim Crowley on Monday and Tuesday and Raeann Wednesday through Friday.

Discussion was then held relative to the use of county vehicles for the use of driving to Helena.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 8, 2006.